

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – MA & UD Department - Allegations of Corruption against Sri Setti Chenniah, Sanitary Inspector(Retired), 21st Division, Vijayawada Municipal Corporation, Vijayawada, Krishna District – Trapped on 21.8.1999 – Acquitted on 13.4.2012 – Further action dropped – Orders – Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT(VIG.IV.2) DEPARTMENT

G.O.Rt.No.1850

Dated:24-12-2013

Read the following:

- 1.Govt. Memo No.23710/N1/99-1,MA, dated 03.12.1999.
- 2.G.O.Ms.No.376, MA dated 29.6.2000.
- 3.Govt. Memo No.2285/Vig.IV.2/2001-4,MA dated 1.7.2005
4. Representation of Sri.Setti Chennaiah, dated Nil, received on
Dated :28.7.2009
5. G.O.Rt.No.1313 MA & UD (Vig.IV) Dept., Dt.23.9.2009.
6. From the DG, ACB, Hyderabad letter C.No.159/RCT-VKI/
1999-S-9, Dated: 12.9.2012.
7. Govt. Memo. NO.2285/Vig.IV.2/2001, Dt. 13.12.2012.
8. From the APAT order dated: 6.2.2013 in OA NO.4182 of 2013.
9. From the DG, ACB, Hyderabad letter Rc.
No.159/RCT0VK1/1999-S-9, Dt. 20.12.2013.

ORDER:

Sri.Setti Chennaiah, Sanitary Inspector 21st Division, Vijayawada Municipal Corporation, Vijayawada, Krishna District was trapped on 21.8.1999, for demanding bribe amount of Rs.700/- , for not taking samples from the complainant Tea-stall and was issued suspension orders, vide memo 1st read above. Orders were sanctioned vide reference 2nd read above, to prosecute Sri.Setti Chennaiah, Sanitary Inspector in a court of law. In the meantime Sri Setti Chenniah, Sanitary Inspector was allowed to retire on 31.7.2000 A.N. on superannuation, pending finalization of the case.

2. Later the Special Judge for SPE & ACB Cases, Vijayawada has pronounced judgment on 11.5.2005 in convicting Sri.Setti Chennaiah, Sanitary Inspector (Retired) under the provisions of Prevention of Corruption Act and to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.1000/-(Rupees one thousand) in default to suffer simple imprisonment for 3 months for the offence under section 7 of Prevention of Corruption Act and also sentenced to undergo rigorous imprisonment for a period of one year and also to pay a fine of Rs1,000/- in default to suffer simple imprisonment for 3 months for the offence under section 13(2) read with 13(12)(d) of Prevention of Corruption Act.1988 and both the substantive sentences were ordered to run concurrently.

(PTO)...

3. Consequent to the judgment dated 11.5.2005 in the C.C.No.30/2000, it was proposed to withhold 100% pension and Gratuity in full permanently in respect of Sri Setti Chennaiah, Sanitary Inspector(Retired) 21st Division, Vijayawada Municipal Corporation, Vijayawada, Krishna District , under Sub-rule (1) of Rule 9 of the A.P. Revised Pension Rules 1980.

4. Sri.Setti Chennaih has submitted a representation dated nil vide reference 4th read above, for sanction of provisional pension in the light of the criminal appeal pending in High Court.

5. Whereas in the reference 5th read above, Government have issued orders to impose punishment of withholding 100% pension and Gratuity in full permanently in respect of Sri Setti Chennaiah, Sanitary Inspector (Retd.) 21st Division, Vijayawada Municipal Corporation, Vijayawada, Krishna District , under Sub-rule (1) of Rule 9 of the A.P. Revised Pension Rules 1980.

6. Whereas in the reference 6th read above, the Director General, Anti Corruption Bureau, Hyderabad has informed that the Prl. Special Judge for SPE and ACB Cases, Vijayawada pronounced Judgement on 11.5.2005, Sri S. Chennaiah, Sanitary Inspector (Retd.) Municipal Corporation, Vijayawada was convicted. Aggrieved Judgement of trial court he was filed Criminal Appeal No. 875/2005 in the A.P. High Court challenging his conviction in the trial court. The A.P. High Court allowed the above appeal. The orders of the Hon'ble High Court in Criminal Appeal No. 875/2005 is as follows:-

"on a consideration of the evidence as above. I am of the considered view that sufficient evidence is lacking to prove the guilt of the Accused Officer beyond reasonable doubt. I am, therefore, of the considered view that the Accused Officer is entitled for the benefit of doubt. The conviction recorded by the trial Court on the erroneous impression that there is corroboration of the evidence of P.Ws. 3 and 4 with each other and treating Ex.P-8 post trap proceedings as substantive evidence is not sustainable.

In the result, the Criminal Appeal is allowed and the Judgement dated: 11.5.2005 in CC No. 30 of 2000 passed by the Special Judge for S.P.E. and A.C.B. Cases, Vijayawada, is set aside. Accordingly, the appellant Accused Officer stands acquitted".

7. Whereas in the reference 7th read above, Government have requested the DG, ACB, Hyderabad to file S.L.P. in the Hon'ble Supreme Court of India, against the judgment dated: 13.4.2012 of the Hon'ble High Court of A.P., in Crl. Appeal No.875/2005 in respect of Sri Setti Chennaiah, Sanitary Inspector (Retd.), Vijayawada Municipal Corporation.

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8. Whereas in the reference 8th read above, Sri Setti Chennaiah, Sanitary Inspector (Retd.), Vijayawada Municipal Corporation has filed an O.A. No.4182 of 2013 before the Hon'ble APAT for release of full Pensionary benefits due to him.

9. Whereas in the reference 9th read above, the Director General, Anti Corruption Bureau, Hyderabad has informed that the Supreme Court of India dismissed the Special Leave Petition No. 21046 of 2013 filed by the Bureau against Sri Setty Chennaiah, Sanitary Inspector (Retd.) on 17.10.2013 on merits.

10. Government after careful examination of the matter with reference to remarks of the Director, General, Anti Corruption Bureau vide reference 9th read above have decided to drop further action against Sri Setty Chennaiah, Sanitary Inspector (Retd.), Vijayawada Municipal Corporation, Vijayawada as the Supreme Court of India dismissed the Special Leave Petition No. 21046 of 2013 filed by Bureau against Sri Setty Chennaiah, Sanitary Inspector (Retd.), Vijayawada.

11. Accordingly, Government hereby drop further action against Sri Setti Chennaiah, Sanitary Inspector (Retd.), Vijayawada Municipal Corporation and accord to permission to the Commissioner & Director of Municipal Administration, Hyderabad to release all pensionary benefits due to him.

12. The Commissioner & Director of Municipal Administration shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. S.K. JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Setti Chenaniah, Sanitary Inspector (Retd.), Vijayawada Municipal Corporation, Vijayawada
through the Commissioner & Director of Municipal Administration,
Hyderabad

The Commissioner & Director of Municipal Administration, Hyderabad..

Copy to:

The Director General, Anti Corruption Bureau, Hyderabad

The Secretary, A.P. Vigilance Commission, Hyderabad

SC/SF

//Forwarded :: By order//

SECTION OFFICER.

